

SENATE BILL 2538

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 50,
relative to labor.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-1-203, is amended by deleting the section and substituting:

(a) Except as provided in subsection (b), it is unlawful for a person, firm, corporation, or association to exclude from employment a person by reason of the person's payment of or failure to pay dues, fees, assessments, or other charges to a labor union or employee organization.

(b)

(1) As used in this subsection (b):

(A) "Agency fee" means a fee that an employee working for an employer that has signed a collective bargaining agreement with a labor union or employee organization must pay in place of dues when the employee elects to not be a member of the union or organization; and

(B) "Public employee" means an individual holding a position by appointment or employment in the service of this state; a county, municipality, or other political subdivision of this state; a school district or a governmental entity operating a public school, vocational school, technical school, or institution of higher education; a public improvement or special district; a public authority, commission, or public benefit corporation; or other public corporation, agency, or instrumentality or unit

of government that exercises governmental powers under the laws of this state.

(2) This part does not prohibit an employer and a labor union or employee organization, acting as an exclusive collective bargaining representative of the employer's employees or of a group of those employees, from negotiating and enforcing an agency fee provision in a collective bargaining agreement.

(3) The labor union or employee organization may collect an agency fee by lawful means; except, that an employer shall not discharge an employee for failing to pay the agency fee, and an employee is not required to become a member of a union or organization.

(4) This subsection (b) does not apply to a labor union or employee organization acting as an exclusive collective bargaining representative for public employees.

SECTION 2. This act is not an appropriation of funds, and funds must not be obligated or expended pursuant to this act unless the funds are specifically appropriated by the general appropriations act.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.